

November 19, 1994

**State Water Plan Evaluation
Decision Summary**

1. What should be included in the State Water Plan (SWP)?

Statewide water policy issues and watershed plans should be adopted as sections of the State Water Plan. Specific water project planning, special watershed issues/projects, and regional (interstate) planning activities should be consistent with and coordinated with the State Water Plan.

2. If watershed issues are included in the State Water Plan, what is the role of DNRC?

Upon request from community groups, DNRC should continue to meet the needs of as many local watershed committees as time and financial resources allow. If demand for local watershed planning outstrips available resources, prioritization should be established based on criteria such as the level of grassroots, broad-based support; potential for solving the issue; and magnitude of the problem, urgency, or opportunity to be solved. If appropriate, the DNRC will request representation on the watershed planning committee to provide the department's input on planning decisions. This representation will be a prerequisite for basin plan adoption as part of the State Water Plan. The department may initiate a local planning effort if obligated to address issues that significantly affect that basin.

3. If statewide policy issues are included in the SWP, what is the role of DNRC?

DNRC can provide facilitation and administrative support including literature research, education, technical expertise, data gathering, and map preparation toward the development of state water plan sections. Other agencies which have responsibilities with respect to a particular issue should be invited and encouraged to participate.

4. For watershed plans to be adopted as part of the State Water Plan, what guidelines, if any, should be developed to ensure that watershed plan sections reflect public opinion and are consistent with each other and with state policy?

Guidelines for watershed plans, which shall constitute prerequisites for incorporation into the State Water Plan, should be clearly outlined in basin planning materials to be developed and distributed by the department. These

guidelines are to include: 1) representation of all basin water users/interests are on the local planning committee; 2) DNRC and other appropriate state agencies have membership; 3) demonstration that effects on downstream or upstream water users have been carefully considered; 4) public notice and open meetings policies are followed for watershed planning meetings; and 5) public hearings, jointly sponsored by the local planning committee and the department.

*[Should the director have the authority to review watershed committee membership in order to identify any non-represented interests?]

*[Should state agencies participate as full members or as ex-officio members?]

5. How should staff time and resources be allocated among the various activities included under the State Water Plan?

Allocate staff time and resources among watershed and statewide issues where DNRC feels it can provide the greatest service to Montanans and where there is a reasonable likelihood for solving important problems.

6. Should water planning activities be confined to resolving identified water problems or should the state water plan include proactive and preventative strategies?

The State Water Plan should continue addressing both types of issues--solving existing problems and preventing problems from developing in the future.

7. Who should decide on the issues to be resolved?

For watershed issues, listen carefully to citizens within local watersheds and respond appropriately. Let them identify issues and define the agenda. DNRC should ensure that all affected parties are working together in identifying the issues.

For statewide issues, continue to seek advice from the general public, Governor, Legislative Water Policy Committee, and Board of Natural Resources and Conservation with the State Water Plan Advisory Council choosing the issue(s) to be addressed.

8. What is the most practical planning cycle length to adequately address water issues balancing flexibility and timeliness? Should the planning cycle be without a time limit? Should the schedule be different for statewide issues and basin issues?

For statewide issues, maintain a two-year cycle, but allow flexibility to shorten or lengthen the time frame depending on the issue. For watershed planning activities, a time line is not appropriate as the schedule will depend upon the

issues. These local committees may choose to be ongoing in order to address problems and opportunities as they arise. Watershed planning committees, however, are required to provide biennial reports to DNRC. In turn, DNRC will prepare and submit a biennial status report on all watershed activities in Montana to the Governor and Legislature.

9. Should the director have the authority to change recommendations after the State Water Plan Advisory Council has achieved consensus?

The DNRC director should retain authority to approve recommendations and to adopt State Water Plan sections since the director is responsible for necessary legislation and administrative support to implement the plans. The director will provide input throughout plan development through appropriate representation on steering committees and watershed planning committees. If a recommendation is not acceptable to the director, the director will specify his/her concerns and allow the committee an opportunity to revise the recommendation.

10. What role should the Board of Natural Resources and Conservation have in the State Water Plan?

Seek comment from the Board on draft plan sections, just as comments are sought from the Legislative Water Policy Committee, but remove their statutory authority to approve final State Water Plan sections.

11. Who should be bound by recommendations in the State Water Plan?

The legislature should carefully consider statutory amendments recommended by State Water Plan sections. All state agencies involved in the development of the statewide or watershed plans should put a significant priority on implementing recommended administrative actions.

12. How can steering committee members and SWP Advisory Council members be bound to support recommendations?

Request steering committee and Council members to regularly inform their constituents about ongoing discussions and recommendations. They need to seek frequent guidance from their constituency group before final recommendations are approved by committees and the Council. The DNRC shall distribute meeting minutes, with decisions highlighted, directly to organizations represented on steering committees and the Council. Watershed committees should periodically provide press releases and/or publish a newsletter describing progress of discussions, issues being addressed, and recommendations being considered.

13. Should steering committee members be compensated for time and travel to attend meetings?

For each steering committee member who is not compensated by a government employer or other organization for participation in state water plan activities, the DNRC shall pay actual travel expenses for attending meetings.

14. Should a professional facilitator be employed to conduct steering committee and State Water Plan Advisory Council meetings? Should funds be budgeted to train the chairperson in facilitation?

As time and budget permits, the DNRC shall provide facilitation training to all chairpersons and appropriate staff at the beginning of each planning initiative. Local watershed committees are free to retain a facilitator of their choice. The State Water Plan Handbook will identify options and guidelines to assist facilitation of local watershed planning committees.

15. Should the steering committees and State Water Plan Advisory Council draft legislation which implements water plan recommendations?

DNRC should have responsibility for drafting legislation. The steering and watershed committees and the State Water Plan Advisory Council will meet to review, amend, and approve proposed legislation.

16. How should decisions be made?

Attempt to achieve consensus, but realize consensus is not always possible if you want to have meaningful recommendations. In the ground rules, the committee should define the majority that is needed to pass a recommendation. Dissenting votes and/or opinions should be included in the record.

*[Does "the record" mean in the plan section or in the meeting minutes?]

17. Based on the previous discussion, should the State Water Plan statute be amended?

Introduce legislation amending the Water Use Act to execute the above decisions.

~~An additional question:~~

18. How can implementation be strengthened?

Option 1: Designate a percentage of RIT funds to implement State Water Plan recommendations. The State Water Plan Advisory Council could decide on use of funds.

Option 2: Use the EPP process to implement the State Water Plan.

Option 3: The EPP process could provide direct funds to local watershed groups for implementation.

Option 4: Increase the number of points awarded in the Renewable Resource Development Grant Program to projects that implement the State Water Plan.

Option 5: Allow the department access to the Coal Severance Tax revenues to fund State Water Plan implementation.

Option 6: Create new funding sources to implement State Water Plan recommendations, i.e. a fee on water appropriations.